

#### REMARKS

In paragraph 1 of the final Action, claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Taruki. In paragraph 6 of the final Action, claims 2-5, 7 and 10-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Taruki.

In view of the above rejections, claim 5 has been cancelled, and the subject matter of cancelled claim 5 has been incorporated into claim 1. Claim 6 has been amended to depend from claim 1.

Claim 5 depended from claim 1 through claim 2. However, in the present amendment, the subject matter of claim 5 has been directly incorporated into claim 1. Since claims 2 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Taruki, the subject matter of claim 5 had already been examined with respect to Taruki together with claim 2. Therefore, it is believed that the amendment does not introduce new issue. Please examine claim 1, into which claim 5 has been incorporated, as being rejected under 35 U.S.C. 103(a) over Taruki.

Claim 1 now amended is patentable over Taruki, as explained below.

In Taruki, a second path 20 transfers a document on a contact glass 3 to a switch back path 21 to switch back thereat. A third path 22 transfers the document in the switch back path 21 to an ejection table 23. A fourth path 24 is in the form of a letter S, and guides the document onto the contact glass 3 while inverting the document twice.

In claim 1, now amended, the document transport apparatus includes a guide member disposed at a discharge side of the platen. The guide member is positioned below the platen when the document is transported from the platen and above the platen when the document is transported to the platen. Also, switching means is connected to the guide member for switching a position of the guide member according to a direction that the document is transported.

In the final Action, it was held that "Taruji discloses the apparatus further comprising a guide member (34) disposed at a discharge side of the platen."

However, in Taruki, numeral 34 is a switching claw, which allows the document in the switch back path 21 to direct to the ejection table 23 or back to the contact glass 3. In claim 1, the guide member is positioned below the platen when the document is transported from the platen and above the platen when the document is transported to the platen.

Taruji does not have any guide member disposed at a discharge side and moved with respect to the platen according to the discharge direction of the document. Therefore, the feature now claimed in claim 1 is not obvious from Taruki.

In paragraph 3 of the Action, claim 8 was rejected under 35 U.S.C. 102(b) as being anticipated by Dinatale.

In Dinatale, when one side of a document is read, the sheet is transferred from a tray 26 to a platen 12 through a simplex path 30, and is ejected to a restacking tray 38. When two sides of the document are read, the sheet on the tray 26 is transferred to the plate 12 through the simplex path 30, and one side of the document is read. Then, the sheet is moved back to a duplex path 40, and is transferred onto the platen 12 through the simplex path 30 to change the side of the document. The other side is read thereat, and is ejected to the restacking tray 38.

Claim 8 comprises, in part, the step of: guiding the document after one side thereof is read to a switch back path, said switch back path turning the document upside down, and reversing a leading end and a trailing end of the document. In Dinatale, the duplex path 40 can be a switch back path. However, once the document is being transferred to the duplex path 40, the leading end and a trailing end of the document are not reversed. In this respect, the switch back path of the invention does not exist in Dinatale.

Also, claim 8 comprises, in part, the steps of: changing a transporting direction of the document before the document is completely discharged to the sheet discharging tray; and guiding the document that the transporting direction is changed to a U turn path to transport the document to the predetermined position on the platen again. Dinatale does not change the transporting direction after entering into the duplex path 40.

Claim 8 further comprises, in part, the steps of transporting the document to the U turn path after the other side of the document is read; and discharging the document to the sheet discharging tray. These steps are not shown in Dinatale, as well.

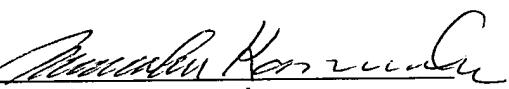
The document transport method in claim 8 is not anticipated by Dinatale.

Claims 9 and 15 rejected by Rubscha have been cancelled.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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